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Beitzah Daf 3

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May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

Rav Yosef maintains that the reason Beis Hillel posits that an egg that was laid on Yom Tov may not be eaten is because the egg is similar to a case of fruit that fell off a tree on Yom Tov.<sup>1</sup> Abaye said to him: Fruit that fell off a tree [on Yom Tov] – what is the reason? It is only on account of a decree – [if fruits that fell off a tree on Yom Tov would be permitted] one might climb the tree and pick the fruit.<sup>2</sup> But that itself (*the prohibition of fallen fruits*) is only a Rabbinic decree (*as a preventive measure*); are we to arise and enact a Rabbinic decree (*prohibiting the egg*) to safeguard another Rabbinic decree!? – It is all one decree.<sup>3</sup> (2b3 – 3a1)

Rav Yitzchak explains the reasoning of Beis Hillel to mean that Beis Hillel does not permit one to eat the egg that was laid on Yom Tov because it resembles juice that flowed from a fruit on Yom Tov.<sup>4</sup> Abaye said to him: Juice that flowed from a fruit [on Yom Tov] – what is the reason? It is only on account of a decree – [if juice that flowed from a fruit on Yom Tov would be permitted] one might come to squeeze the fruit. But that itself (*the prohibition of flowing juice*) is only a Rabbinic decree (*as a preventive measure*); are we to arise and enact a Rabbinic decree (*prohibiting the egg*) to safeguard another Rabbinic decree!? – It is all one decree. (3a1)

All [the other Rabbis] do not explain as Rav Nachman does, in accordance with our objection.<sup>5</sup> Likewise, they do not explain as Rabbah, because they do not accept [his rule of] “preparation.” But why does not Rav Yosef explain as does Rabbi Yitzchak? — He will answer you: An egg is food and fruit is food, excluding juice which is not food [but a beverage]. And why doesn’t Rabbi Yitzchak explain as does Rav Yosef? — He will answer you: An egg is enclosed [in the hen] and juice is enclosed in the fruit, excluding fruit which is exposed all the time. (3a1 – 3a2)

Rabbi Yochanan also is of the opinion that it is a preventive measure on account of [the consuming of] juices flowing [from fruit]. For Rabbi Yochanan pointed out a contradiction between one statement of Rabbi Yehudah and another statement and [also] reconciled it: We have learned in a Mishnah: One cannot squeeze fruits on Shabbos with the intention of using the juice, and even if the juice flowed out by itself one would not be allowed to use the juice. Rabbi Yehudah maintains that if one intended to eat the fruit, then the juice is permitted (as he does not want the juice and therefore there is no concern that he will come to squeeze the fruit). If the fruit was intended to be used for the juice, however, then one is

<sup>1</sup> If we would permit the egg to be eaten, people would think that it is permitted to eat the fruit that fell off a tree on Yom Tov.

<sup>2</sup> Which is a violation of the act of reaping, a biblically prohibited labor.

<sup>3</sup> Against the same prohibition of climbing and gathering fruit. In the enactment of the measure against fallen fruit the egg was included, being regarded as a fallen fruit.

<sup>4</sup> If one were allowed to eat the egg, he would come to drink the juice that flowed from the fruit.

<sup>5</sup> The Mishnah should have cited the dispute between Beis Shammai and Beis Hillel regarding both the hen and the egg.

prohibited from drinking the juice that flowed from them. This ruling of Rabbi Yehudah indicates that anything that is extracted from food is deemed to be food and is not included in the decree on account of juice that flows from the fruit. Yet, this is contradicted by the following: A man may conditionally set aside *terumah* (though the designating of *terumah* and *ma'aser* is forbidden on a day that is definitely known to be a holy day) for a basket of produce (which is *tevel* – untithed) on the first festival day (of *Rosh Hashanah*) and may then eat it on the second day. [He makes the following declaration, “If today is an ordinary weekday and tomorrow will be a holy day, let this basket of produce be *terumah* for the other, and if today is a holy day and tomorrow is a weekday, let my declaration be void.” He thus designates it conditionally and puts it away. On the following day, he says, “If today is a weekday let this basket of produce (the one he designated as *terumah* the day before) be *terumah* for the other, and if today is a holy day, let my declaration be void,” and he thus designates it and may then eat the remainder.] And so also, if an egg was laid on the first festival day (of *Rosh Hashanah*), it may be eaten on the second (since Rabbi Yehudah maintains that one day is *Yom Tov* and the other day is an ordinary weekday, the egg may be eaten on the second day). This ruling implies that according to Rabbi Yehudah, the egg can only be eaten on the second day of *Rosh HaShanah* and not the first. [This ruling contradicts the previous ruling of Rabbi Yehudah, as this ruling implies that any item that flows from its place of growth on *Yom Tov*, even if the item is a food, it is forbidden on account of the decree of juices that flow from a fruit.] Rabbi Yochanan answers that the opinions in the Mishnah (in *Shabbos*) should be reversed (with the stringent opinion being attributed to Rabbi Yehudah, and Rabbi Yehudah always follows the principle of issuing a decree on account

<sup>6</sup> For prohibiting both the egg and the self-exuded juice, viz., it is a preventive measure against the breach of the prohibition of squeezing juice from fruit on *Yom Tov*.

<sup>7</sup> The reason Rabbi Yehudah felt that the Chachamim disagree with him regarding the second day is because Rabbi Yehudah

of juice flowing from the fruit). Now since he [Rabbi Yochanan] contrasts them with each other, infer from this that there is one and the same reason.<sup>6</sup> (3a2 – 3a3)

Ravina answers (the contradiction) as follows: In reality you do not need to reverse [the authorities] for Rabbi Yehudah was speaking from the point of view of the Rabbis, thus: According to my view [the egg] is permitted even on the first day, because it is food separated [from the hen]; but according to your opinion, you should at least agree with me that it is permitted on the second day, for they are two distinct days of holiness. And the Rabbis answered him: No, [the two days] are one [continuous day of] holiness.<sup>7</sup> (3b1)

Ravina the son of Rav Ulla answers that the Mishnah that discusses the egg that was laid on *Rosh HaShanah* refers to a hen which was designated to produce eggs and Rabbi Yehudah maintains that there is a prohibition of *muktzeh*, thus resulting in the prohibition of eating the egg on the first day of *Rosh HaShanah*. (3b1)

The Gemara asks from the following Baraisa: An egg laid on *Shabbos* or an egg laid on a Festival may not be moved, neither for covering the mouth of a vessel with it, nor for supporting the legs of a bed with it, but a vessel may be turned over it, that it (*the egg*) should not be broken. And when there is a doubt, one is not permitted to eat the egg. And if it becomes intermingled even with a thousand others, they are all prohibited. [The Gemara assumes that the doubt is where the egg was laid on *Yom Tov* or prior to *Yom Tov*.] According to Rabbah, who maintains that an egg that is laid on *Yom Tov* is prohibited because of the principle of *hachanah*, i.e. preparation, then we can understand why the Baraisa rules that in a case of doubt

posits that both days of *Rosh HaShanah* are holy because of an uncertainty, whereas the Chachamim maintain that the egg is prohibited on the second day also because both days are one continuous day of holiness.

the egg is prohibited. This is because the principle of hachanah is biblical in nature and we always rule stringently regarding biblical uncertainties. According to Rav Yosef and Rav Yitzchak, however, who maintain that one is prohibited from eating the egg because of a rabbinical decree, we rule leniently regarding uncertainty pertaining to a rabbinical decree, so the egg should be permitted in a case of uncertainty! The Gemara answers that the Baraisa refers to a doubt whether the hen was a tereifah.<sup>8</sup> – If so, let us examine the last part: And if it becomes intermingled even with a thousand others, they are all prohibited. It is understandable why all the eggs are prohibited if the doubt was whether the egg had been laid on Yom Tov or during the week, because since the egg will be permitted after Yom Tov, there is a principle that any item that will eventually become permitted is not nullified even when intermingled with a thousand items of its like. If, however, the uncertainty is whether the egg that was laid came from a tereifah hen, then the egg will never be permitted and the egg should be nullified in the mixture by the majority of eggs that are permitted. And if you answer ‘an egg is significant and is not nullified by a greater number,’ this would be according to the view that we learned ‘whatever is typically counted’ (*and sold by the number is not nullified; since many sellers sell animals in this manner, they will not be nullified*); however, according to the view that we learned ‘whatever is exclusively counted,’ what can be said (*for some sellers sell animals without taking a precise head count, or they add extra animals into the sale*)? For we learned in a *Mishnah*: If a man had bundles of fenugreek of *kilayim* (the prohibition against planting together different species of vegetables, fruit or seeds) of the vineyard, they must be burned (*one cannot derive any benefit from the growths and they must be burned*). If these became mixed up with other permitted bundles, they must all be burned; these are the words of Rabbi Meir. The *Chachamim* say: The prohibited

bundles may become nullified in a mixture of two hundred and one (*if the permitted food is two hundred times the quantity of the forbidden kilayim*). For Rabbi Meir would say the following: Anything that is commonly counted is considered significant and cannot be nullified. And the *Chachamim* said: There are only six items which cannot be nullified (*since they are big, expensive and the best of their species*). Rabbi Akiva said: There are in fact seven. The following are the items: Nuts from Perech, pomegranates from Badan, sealed jugs of wine, shoots of beets, cabbage roots and Greek gourds. Rabbi Akiva adds loaves of homemade bread. Of these items, those which are subject to the law of *orlah* (*applied to newly-planted trees for a period of three years during which their fruits must not be eaten*) impart the prohibition of *orlah* and those which are subject to the law of *kilayim* of the vineyard impart that of the *kilayim* of the vineyard. And it was stated regarding this *Mishnah*: Rabbi Yochanan said: The correct version of Rabbi Meir is that anything which is exclusively counted is considered significant and cannot be nullified. Rish Lakish said: The correct version of Rabbi Meir is that anything which is commonly counted is considered significant and cannot be nullified.

The *Gemora* concludes its question: It is well according to Rish Lakish (*since many sellers sell animals in this manner, they will not be nullified*); however, according to Rabbi Yochanan what can be said (*for some sellers sell animals without taking a precise head count, or they add extra animals into the sale, and since they are not exclusively counted, they may become nullified*)?

Rav Pappa answers that the author of our *Mishnah* is the author of the *Baraisa* about a litra measure of dried figs, who says that anything prohibited – even with only a Rabbinic prohibition - that is counted is not subsumed in a larger mixture, and certainly not in a case of Biblical law.

<sup>8</sup> A physical injury on an animal or on a bird renders the animal biblically forbidden, and for this reason the egg is prohibited.

For it was taught in a Baraisa: If a litra of dried (terumah) figs was pressed upon the mouth of a mold and he does not know on which mold it was pressed, or on the mouth of a cask and he does not know on which cask it was pressed, or on mouth of a basket and he does not know on which basket it was pressed, Rabbi Meir maintains [that] Rabbi Eliezer said: We regard the upper [layers] as if they are dispersed [among each cask] and the lower nullify the upper [litra of figs]; [while] Rabbi Yehoshua says: If there were there a hundred mouths [of casks] they nullify, but if not, then [all] the mouth layers are forbidden and [all] the remainders are permitted. [But] Rabbi Yehudah maintains [that] Rabbi Eliezer said: If there are a hundred upper layers they nullify, but if not then [all] the mouth layers are forbidden and [all] the remainders are permitted; [while] Rabbi Yehoshua says: Even if there are three hundred mouths of casks they do not nullify. If it was pressed in a round mold and he does not know in which mold he pressed it, all agree that they nullify. - [You say], All agree? [Why] this is the point they are disputing!? Said Rav Pappa: This is what he says: If it was pressed in a round mold and he does not know into which part of the mold it was pressed, whether northward or southward, all agree that it is nullified. (3b1 – 4a1)

Rav Ashi said: In reality the doubt is whether [the egg was laid] on Yom Tov or on a weekday, [but] it [the egg] is a forbidden] object which will become permitted, and anything [forbidden] which will become permitted, even though [forbidden] by a Rabbinical enactment is not nullified. (4a1)

## INSIGHTS TO THE DAF

### ***Eating and Handling the Egg***

The Gemara cites a Baraisa that rules that when there is a doubt, one is not permitted to eat the egg. The Gemara assumes that the doubt is where the egg was laid on Yom Tov or prior to Yom Tov. According to Rabbah, who maintains that an egg that is laid on Yom Tov is prohibited

because of the principle of *hachanah*, i.e. preparation, then we can understand why the Baraisa rules that in a case of doubt the egg is prohibited. This is because the principle of *hachanah* is biblical in nature and we always rule stringently regarding biblical uncertainties. The Rashba in Avodas HaKodesh rules that one is forbidden to eat an egg that was laid on Yom Tov, thus rendering the egg muktzeh, and one is prohibited from handling the egg on Yom Tov. The Eimek Bracha asks on the Rashba from our Gemara because it would appear from the Baraisa that in the case when there is a doubt if the egg was laid on Yom Tov and the Baraisa rules that it is forbidden, one is also prohibited from handling the egg. The Gemara can ask on Rabbah that Rabbah rules that one is biblically prohibited from eating an egg which was laid on Yom Tov and therefore in a case of doubt, it will also be forbidden. Regarding handling the egg, however, which in a case of certainty is only rabbinically forbidden, it should not be forbidden to handle the egg. The Emek Bracha wants to prove from this Gemara that the reason of *hachanah* will biblically prohibit one from eating the egg and from handling it and that is why in a case of doubt, it will be forbidden to eat and to handle the egg. Beis HaLevi, cited in sefer Matikei Shemuah, writes that when the Baraisa rules that the egg is forbidden in a case of doubt, that only refers to the prohibition of eating the egg, as it is biblically prohibited to eat an egg which was not prepared prior to Yom Tov. It is permitted to handle the egg, however, as handling the egg is only a rabbinical decree and we are not stringent in a case of doubt. Reb Dovid Newman in his sefer Avodas Yom Tov offers two answers to the question on the Rashba. The Shach (Yoreh Deah 110) rules that when there is a case of doubt and there are two halachic ramifications, we must either rule stringently or leniently regarding both applications. We cannot rule stringently regarding one halacha and leniently regarding another. For this reason, since the ruling in our case is that the egg is forbidden to eat, it must follow that the egg cannot be handled even though it is only a rabbinical prohibition. Another answer is that once it is decided that the egg

cannot be eaten because it might not have been prepared prior to Yom Tov, the egg automatically becomes muktzeh. We are not ruling that it cannot be handled because of the uncertainty. Rather, once it has been decided that the egg cannot be eaten, the egg is rendered muktzeh for certain and subsequently the egg cannot be handled.

### **Picking Fruit on Shabbos**

Rav Yosef maintains that the reason Beis Hillel posits that an egg that was laid on Yom Tov may not be eaten is because the egg is similar to a case of fruit that fell off a tree on Yom Tov. If we would permit the egg to be eaten, people would think that it is permitted to eat the fruit that fell off a tree on Yom Tov. The reason one cannot eat the fruit that fell from the tree on Yom Tov is because if the fruits that fell from the tree would be permitted, one might climb the tree and pick the fruit, which is a violation of the act of reaping, a biblically prohibited melacha. Rav Yitzchak disagrees with Rav Yosef's comparison of the egg to the fruit because an egg is contained within the hen whereas a fruit is in the open, so an egg is not included in the decree of fruit that falls on Yom Tov. Rashi writes that picking the fruits from the tree would be biblically prohibited under the category of reaping which is an *av melacha*, a primary prohibited act of labor. This is difficult to understand as our case pertains to Yom Tov and this should be permitted on Yom Tov as picking the fruit is performed in preparation for the food. The Rashba in Shabbos (95a) proves from this Gemara that it is biblically prohibited to cut something that is still connected to the ground even if the act is in preparation for the food. The Rashba cites Tosfos, however, who maintains that it would be permitted to cut something that is still connected to the ground since it is for the preparation of food. The Rashba explains that according to Tosfos our Gemara would refer to a case where one picks the fruit at the end of Yom Tov and it cannot possibly be used anymore in preparation for food for this Yom Tov. In such a case it would be biblically forbidden to pick the fruit. Pnei

Yehoshua (end of 2b) cites Rashi who writes that one is prohibited from eating an egg that was laid on Yom Tov on account of the decree of fruits falling from a tree on Shabbos. The Pnei Yehoshua wonders why Rashi mentions Shabbos when our Gemara is discussing Yom Tov. The Pnei Yehoshua quotes his grandfather, the Maginei Shlomo, who writes that Rashi is of the opinion that *tolesh*, the act of reaping fruit, is rabbinically forbidden on Yom Tov because it could have been performed prior to Yom Tov. The primary reason for the decree was because of Shabbos and not because of Yom Tov. This is not considered a *gezeirah ligzeira*, a decree on account of another decree, as Shabbos and Yom Tov are considered one.

### **DAILY MASHAL**

#### **Preparation and Shabbos**

The Gemara discusses *hachanah deRabbah*, Rabbah's law of preparation, which dictates that food for a holy day must be prepared prior to the holy day on a weekday. It is noteworthy that the verse where this principle is derived from states *and it will be on the sixth day that they shall prepare the manna which they bring*. The Medrash states that Yosef observed Shabbos in Egypt, as it is said *have meat slaughtered and prepare it*. Perhaps the understanding of this statement is that Yosef represents the attribute of *yesod*, foundation, which means that he observed the covenant of circumcision. The word for prepared is *hachen*, which has its root in the word *kan*, which means base or foundation. Thus, Yosef, being the *tzaddik yesod olam*, the righteous person who is the foundation of the world, corresponds to Shabbos, and the Ohr HaChaim (Vayikra 19:3) writes that regarding Shabbos and regarding *Bris Milah*, circumcision, the Torah writes the word *os*, a sign, demonstrating that one who observes one of these signs is a catalyst for observing the other sign.